

**SOIL FRIENDS, LLC, et al v. COMSTOCK CHARTER TOWNSHIP and KALAMAZOO AREA
BUILDING AUTHORITY, et al**

Case No. 1:23-cv-1267

EXHIBIT A

Straub, Seaman & Allen, P.C.

FOR BUSINESS, FOR PROPERTY, FOR LIFE

ATTORNEYS AT LAW

January 12, 2024

Steven J. Kustra, Esq.
Jeffrey M. Bloom, Esq.
Kustra & Bloom, PLC
21002 Mack Avenue
Grosse Pointe Woods, MI 48236

via email: skustra@kustrabloom.com
jbloom@kustrabloom.com

Re: *Soil Friends v. Comstock Township & KABA, et al*
Case No. 1:23-cv-1267
Our File No: 235.43722

Dear Mr. Kustra and Mr. Bloom:

Pursuant to W.D. Mich. L. Civ. R. 7.1(d), this letter is an attempt to obtain your concurrence as to the Township Defendants and KABA Defendants' Motion to Dismiss individual defendants.

In support of our request, it is the Township and KABA's position that all claims at issue pertain to the entities' official action and conduct; none of the claims pertain to an individual's action or conduct outside of their official capacity. Therefore, Plaintiff's Complaint fails to state a claim upon which relief can be granted against the individual defendants. The litigation should proceed against the entities – Comstock Township and KABA – and not the officials/employees of those entities.

Additionally, Comstock Township and KABA plan to move for a more definite statement as to each of the twelve counts. Plaintiff repeatedly fails to specify the nature of the claims against any individual "Defendant" and/or "Defendants." Further, Plaintiff fails to differentiate its claims against each individual defendant – who include Township Defendants, KABA Defendants, and Co-Defendant General Counsel. Clarification is necessary so that the defendants can understand the nature of the claims and the parties against whom Plaintiff is making each respective claim. In that vein, this is a request for an Amended Complaint to rectify those issues.

We ask that you concur within a week (by January 19, 2024) as the due date for a response to the Complaint is February 2, 2024. Voluntary dismissal of the individual defendant will avoid unnecessary expenditure of counsels' time, party finances, and the Court's time in addressing

James T. McGovern
Licensed in MI and IN
1014 Main St. POB 318
Saint Joseph, MI 49085
dd 269.982.7728
f 269.982.1694
jmcgovern@lawssa.com

a motion to achieve the same end. The same is true as to an Amended Complaint for more definitive statements for each of the twelve counts.

If you do not concur with one of the requests, or either of the requests, then we ask that you respond accordingly so that we can begin to draft the motion and brief to assure that it is timely filed.

Very truly yours,

STRAUB, SEAMAN & ALLEN P.C.

/s/ James T. McGovern

James T. McGovern

JTM/dav